

BOARD OF APPEAL REFERRALS

AUGUST 18, 1977

1. Z-3909 Rosemary Gilroy
916 Hyde Park Avenue, Hyde Park
2. Z-3910 Liberty Realty Trust
830 Saratoga Street, East Boston
3. Z-3911 John J. and Helen Annese
114-116 North Beacon Street, Brighton
4. Z-3912 Ramon Burgos
67-69 Burrell and 68 Batchelder Streets, Roxbury
5. Z-3913 Star Market Co.
875 Morton Street, Mattapan
6. Z-3919 John F. Reen, Jr.
63 Chestnut Hill Avenue, Brighton
7. Z-3923 Rose Associates
200-220 Essex Street, 44-54 South Street, and
661-685 Atlantic Avenue, Boston
8. Z-3924 Whitney L. and Susan M. Scott
83 Elm Street, Jamaica Plain
9. Z-3925 Dorchester Children's Center
17 Centre Avenue, Dorchester
10. Z-3926 Lambert Rainbow Fruit
777 William T. Morrissey Boulevard, Dorchester

VOTED: That the Boston Redevelopment Authority hereby authorizes the Advisor to the Zoning Commission to petition for an amendment to the Boston Zoning Code which would establish and define a new use item, "general group care residence", and make it a conditional use in all districts except a forbidden use in I and W districts.

VOTED: That the Secretary advertise one week in advance in all local neighborhood papers a public hearing, to be held by the Authority on September 8, 1977, at 2:00 p.m. at the Board Room of the Authority, on a proposal for an amendment to the Boston Zoning Code which would establish and define a new use item regarding a group care residence limited to mentally ill, mentally retarded, or physically handicapped persons plus resident staff, making it allowed in all districts where residential uses are allowed provided it is no closer than 1500 feet from another such facility.

MEMORANDUM

August 18, 1977

TO: BOSTON REDEVELOPMENT AUTHORITY
FROM: Robert F. Walsh, Director
SUBJECT: BOARD OF APPEAL REFERRALS

Hearing: 8/23/77

Petition No. Z-3909
Rosemary Gilroy
916 Hyde Park Avenue, Hyde Park
near Willow Avenue

Three-story frame structure - residential (R-.5) district.

Purpose: to change occupancy from three-family dwelling to lodging house (12 lodgers).

Violation:

Section 8-7. A lodging house is forbidden in an R-.5 district.

Lodging house conversion is incompatible with much needed family apartment units in Hyde Park and conflicts with existing City policy to encourage housing renovations for family occupancy. Lack of parking facilities will intensify insufficiency of curb parking space. Recommend denial.

VOTED: In reference to Petition No. Z-3909, brought by Rosemary Gilroy, 916 Hyde Park Avenue, Hyde Park, for a forbidden use for a change of occupancy from three-family dwelling to lodging house in a residential (R-.5) district, the Boston Redevelopment Authority recommends denial. Lodging house conversion is incompatible with much needed family apartment units in Hyde Park and conflicts with existing City policy to encourage housing renovations for family occupancy. Lack of off-street parking facilities will intensify insufficiency of curb parking space.

Z-3909

916 HYDE PARK AVENUE
(H.P.)



Board of Appeal Referrals 8/18/77

Hearing: 8/23/77

Petition No. Z-3910
Liberty Realty Trust
830 Saratoga Street, East Boston
at Addison Street

Two-story masonry structure - manufacturing (M-1) district.

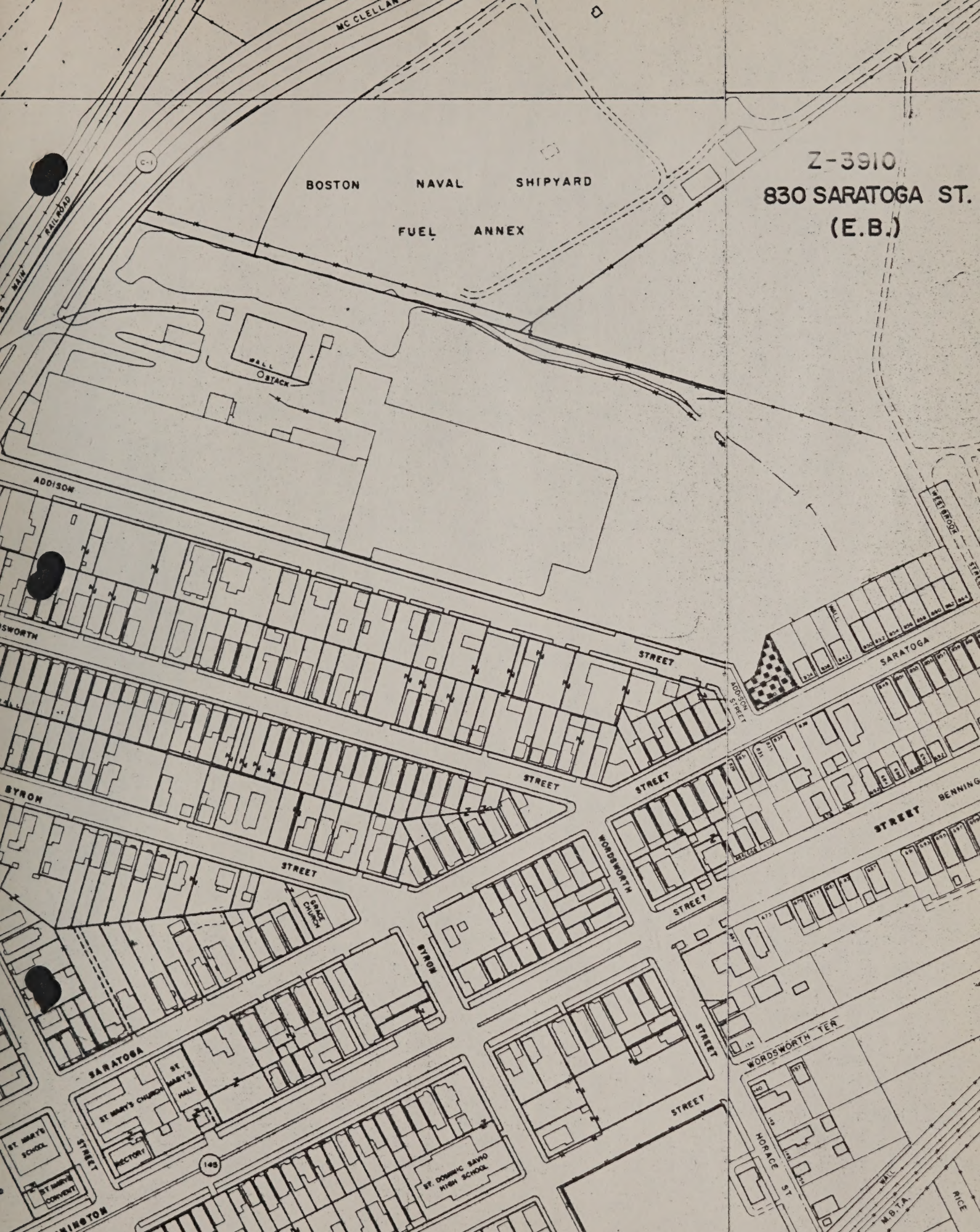
Purpose: to legalize occupancy - dog grooming, offices, and security guard training school.

Violation:

Section 8-7. A school is conditional in an M-1 district.

Petition would legalize an existing condition. Abutters, community group, and Little City Hall have no objection. Recommend approval.

VOTED: In reference to Petition No. Z-3910, brought by Liberty Realty Trust, 830 Saratoga Street, East Boston, for a conditional use to legalize occupancy for dog grooming, offices, and security guard training school in a manufacturing (M-1) district, the Boston Redevelopment Authority recommends approval. Uses are existing with no objection from abutters, community group, or Little City Hall.



BOSTON

NAVAL

SHIPYARD

FUEL

ANNEX

Z-3910

830 SARATOGA ST.

(E.B.)

MC CLELLAN

RAILROAD

HALL
STACK

ADDISON

SWORTH

STREET

BYRON

STREET

STREET

STREET

WORDSWORTH

STREET

STREET

SENNING

SARATOGA

ST MARY'S

CHURCH

HALL

RECTORY

ST MARY'S

SCHOOL

CONVENT

ST MARY'S

CHURCH

HALL

ST DOMING SAVIO

HIGH SCHOOL

WORDSWORTH TER

NORACE ST

ST

ST

ST

ST

ST

ST

ST

ST

ST

ST

ST

ST

ST

ST

ST

ST

ST

ST

ST

Board of Appeal Referrals 8/18/77

Hearing: 8/23/77

Petition No. Z-3911
John J. and Helen Annese
114-116 North Beacon Street, Brighton
at Dustin Street

One-story masonry structure - local business (L-1) district.

Proposal: to change occupancy from retail of hardware and tools to manufacturing, sale, and distribution of cutting tools; to erect one-story addition.

Violations:

	<u>Required</u>	<u>Proposed</u>
Section 8-7. Sales space and distribution are forbidden in an L-1 district.		
Section 9-1. Extension of a nonconforming use requires Board of Appeal hearing.		
Section 19-1. Side yard is insufficient.	10 ft.	7 ft.

Use has existed for many years consistent with the commercial-manufacturing-industrial nature of North Beacon Street. Recommend approval with proviso.

VOTED: In reference to Petition No. Z-3911, brought by John J. and Helen Annese, 114-116 North Beacon Street, Brighton, for a forbidden use, a change in a nonconforming use, and a variance for a change of occupancy from retail of hardware and tools to manufacturing, sale, and distribution of cutting tools and to erect a one-story addition in a local business (L-1) district, the Boston Redevelopment Authority recommends approval provided plans, inclusive of landscaping and parking, are submitted to the Authority for design review.



114-116 NORTH BEACON ST
Z-3911
(BR.)

Board of Appeal Referrals 8/18/77

Hearing: 8/23/77

Petition No. Z-3912
Ramon Burgos
67-69 Burrell and 68 Batchelder Streets,
Roxbury

Three-story frame structure - apartment (H-1) district.

Purpose: to change occupancy from three-family dwelling and store to three-family dwelling and restaurant.

Violation:

Section 8-7. A restaurant is forbidden in an H-1 district.

Neighborhood is residential and is located within the Housing Improvement Program target area. Proposed restaurant would have an adverse impact and is contrary to the residential revitalization purpose of the program. Existing parking problems on Batchelder and Burrell Streets would be increased by the facility. Abutters are strongly opposed. Recommend denial.

VOTED: In reference to Petition No. Z-3912, brought by Ramon Burgos, 67-69 Burrell and 68 Batchelder Streets, Roxbury, for a forbidden use for a change of occupancy from three-family dwelling and store to three-family dwelling and restaurant in an apartment (H-1) district, the Boston Redevelopment Authority recommends denial. Neighborhood is residential and is located within the Housing Improvement Program target area. Proposed restaurant would have an adverse impact and is contrary to the residential revitalization purpose of the program. Existing parking problems on Batchelder and Burrell Streets would be increased by the facility. Abutters are strongly opposed.



Z-3912

BURRELL ST.

BATCHELDER ST.

(BOX)

Board of Appeal Referrals 8/18/77

Hearing: 8/23/77

Petition No. Z-3913
Star Market Co.
875 Morton Street, Mattapan
at Morton Village Drive

Supermarket structures - local business (L-1) district.

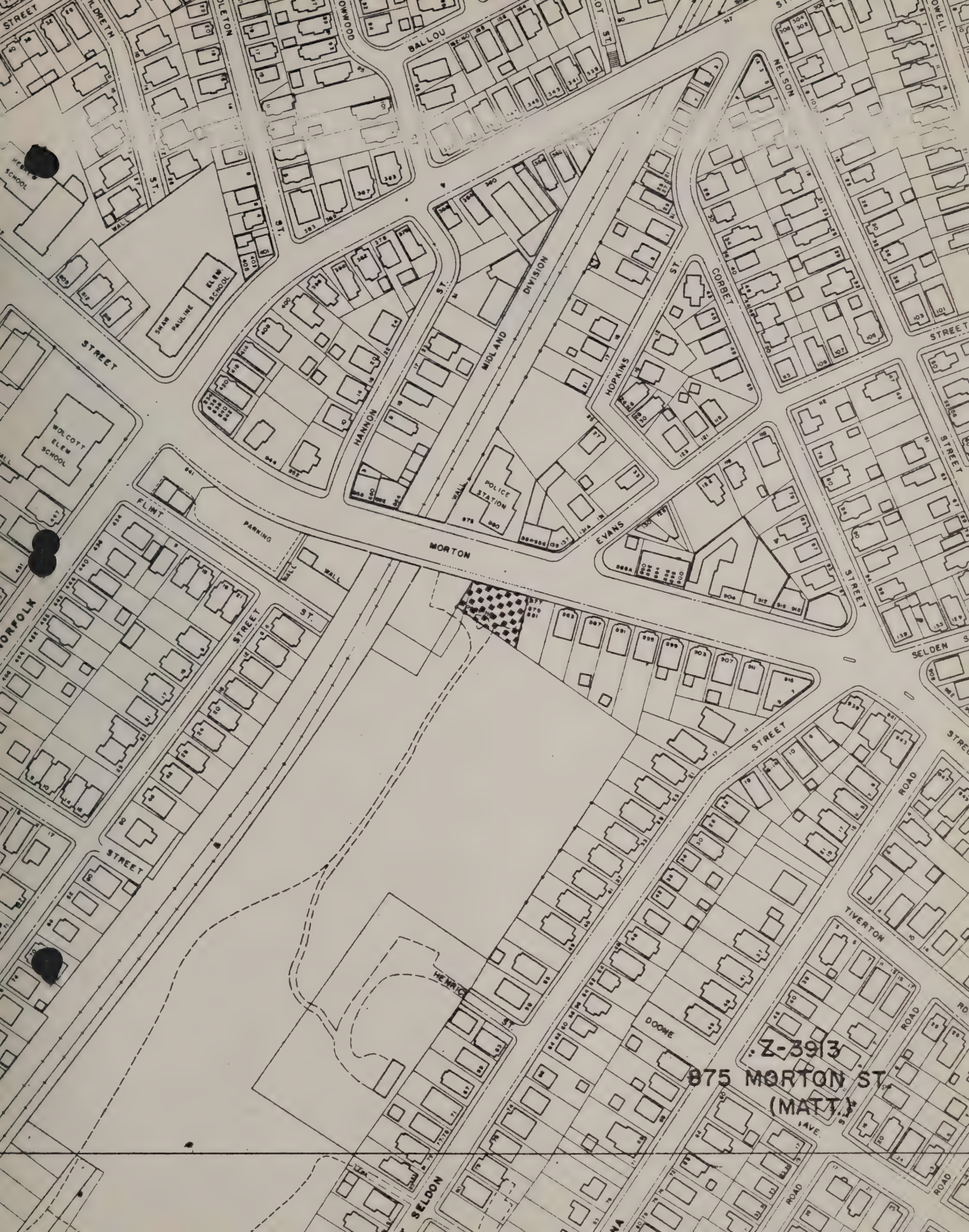
Purpose: to erect free-standing sign - 37½ feet high.

Violation:

Section 11-2. The top of a free-standing sign shall not exceed thirty feet above grade on a lot containing two or more uses.

Sign would identify "Star" supermarket and affiliate "Osco Drug". The code allows a sign 30 feet in height; however, additional 7½ feet is necessary because of topographical conditions over the Penn Central right of way. There would be no negative impact. Recommend approval.

VOTED: In reference to Petition No. Z-3913, brought by Star Market Co., 875 Morton Street, Mattapan, for a conditional use to erect a free-standing sign in a local business (L-1) district, the Boston Redevelopment Authority recommends approval. Additional 7½ feet in height is necessary because of topographical conditions over the Penn Central right of way. There would be no adverse impact.



Z-3913
875 MORTON ST.
(MATT.)

Board of Appeal Referrals 8/18/77

Hearing: 8/30/77

Petition No. Z-3919
John F. Reen, Jr.
63 Chestnut Hill Avenue, Brighton
near William Jackson Avenue

2½-story frame structure - single-family (S-.5) district.

Purpose: to make permanent existing occupancy - one-family dwelling and funeral home.

Violation:

Section 8-7. A funeral home is forbidden in an S-.5 district.

In 1974, petitioner received provisional approval of Board of Appeal for existing use. There is no neighborhood objection. Recommend approval with provisos.

VOTED: In reference to Petition No. Z-3919, brought by John F. Reen, Jr., 63 Chestnut Hill Avenue, Brighton, for a forbidden use to make permanent existing occupancy for one-family dwelling and funeral home in a single-family (S-.5) district, the Boston Redevelopment Authority recommends approval with the following provisos: that the variance extend to use of appellant only; that the variance expire upon sale, lease, or other disposition of the whole or any part of the building by the appellant; that no exterior changes be allowed.

Z-3919
63 CHESTNUT HILL AVE.
(BRI.)



Board of Appeal Referrals 8/18/77

Hearing: 8/30/77

Petition No. Z-3923

Rose Associates

200-220 Essex Street, 44-54 South Street,
and 661-685 Atlantic Avenue, Boston

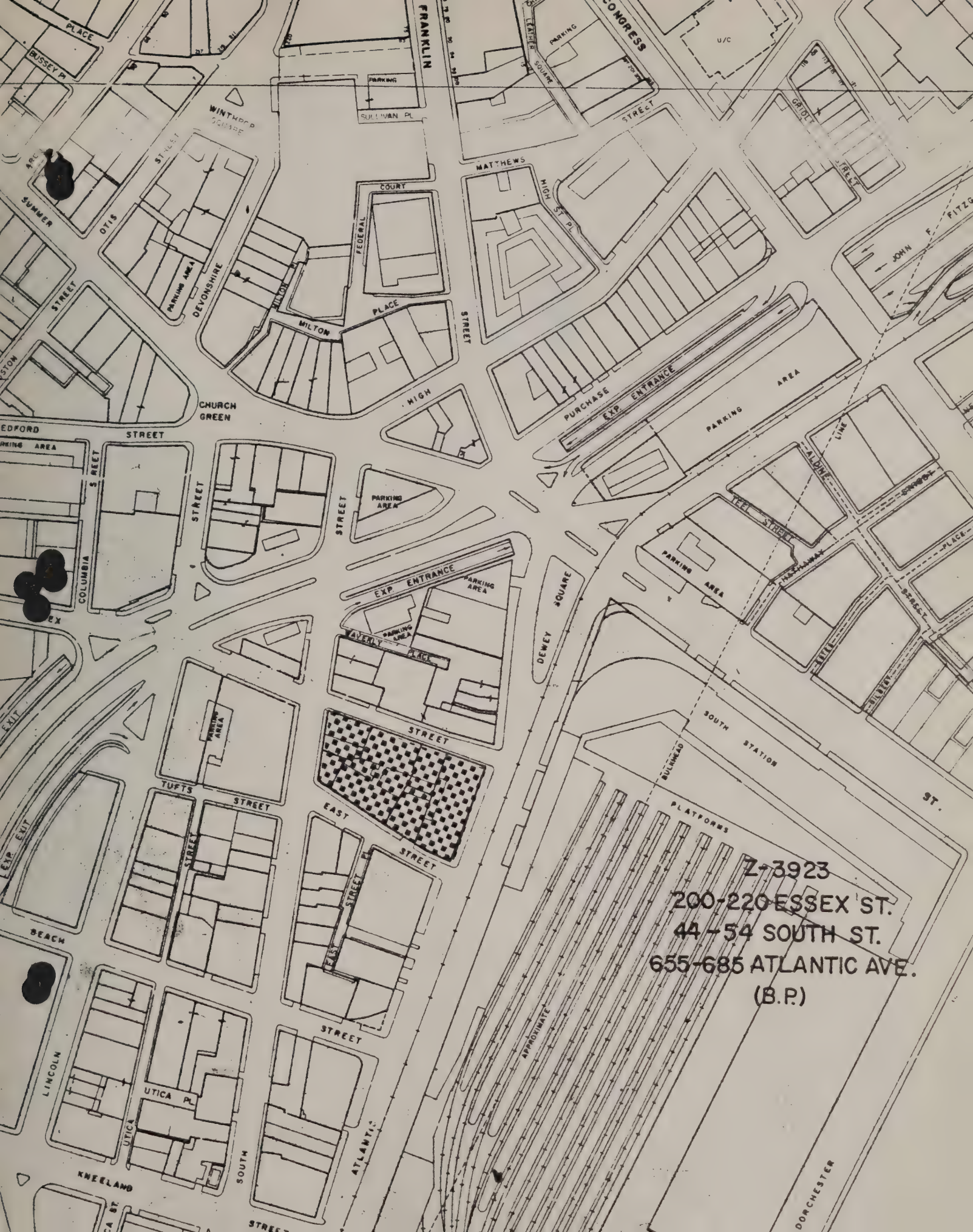
43,860 square feet of land - manufacturing (M-8) district.

Purpose: to combine lots; to use premises for public parking of 168 cars
for a fee.

Section 8-7. A public parking lot for a fee is conditional in a restricted
parking district.

Future plans indicate construction of a garage facility in the South Station
Urban Renewal Area. Until such time, the proposed facility would serve
immediate needs of area employees and commuters. Petitioner has secured
approval from City of Boston Air Pollution Control Commission. Recommend
approval with provisos.

VOTED: In reference to Petition No. Z-3923, brought by
Rose Associates, 200-220 Essex Street, 44-54
South Street, and 661-685 Atlantic Avenue, Boston,
for a conditional use to combine lots and use
premises for public parking of 168 cars for a fee
in a restricted parking manufacturing (M-8) dis-
trict, the Boston Redevelopment Authority recom-
mends approval with the following provisos: that
the use terminate in five years; that landscaping
plan be submitted to the Authority for design
review.



Z-3923
200-220 ESSEX ST.
44-54 SOUTH ST.
655-685 ATLANTIC AVE.
(B.P.)

Board of Appeal Referrals 8/18/77

Hearing: 9/13/77

Petition No. Z-3924
Whitney L. and Susan M. Scott
83 Elm Street, Jamaica Plain
at Greenough Avenue

2½-story frame structure - residential (R-.5) district.

Purpose: to change occupancy from one-family dwelling to one-family dwelling and private preschool and elementary school.

Violation:

Section 8-7. A nursery school and kindergarten are conditional in an R-.5 district.

Proposed facility would be inimical to surrounding residential properties. Elementary school portion is not accredited and may not meet State compulsory education law. Neighborhood is already overinstitutionalized (two preschool facilities, church, high school, nursing homes); additional institutional uses are undesirable and cannot be justified, particularly if tax exempt. Conditional use requirements have not been met. Substantial opposition exists. Recommend denial.

VOTED: In reference to Petition No. Z-3924, brought by Whitney L. and Susan M. Scott, 83 Elm Street, Jamaica Plain, for a conditional use for a change of occupancy from one-family dwelling to one-family dwelling and private preschool and elementary school in a residential (R-.5) district, the Boston Redevelopment Authority recommends denial. Proposed facility is not accredited, may not meet State compulsory education law, and would be inimical to surrounding residential properties. Neighborhood is already overinstitutionalized (two preschool facilities, church, high school, nursing homes); additional institutional uses are undesirable and cannot be justified. Conditional use requirements have not been met. Substantial opposition exists.



2-3924
83 ELM STREET
(J.R.)

Hearing: 8/30/77

Petition No. Z-3925
Dorchester Children's Center
17 Centre Avenue, Dorchester
at Centre Street

Two-story frame structure - residential (R-.8) district.

Purpose: to change occupancy from four-family dwelling to day care center and group home.

Violations:

	<u>Required</u>	<u>Proposed</u>
Section 8-7. A day care center is conditional in an R-.8 district.		
Section 14-2. Lot area is insufficient.	44,000 sf	11,884

Children, because of night working parent, court order, or welfare emergency, will be accommodated overnight. Proposal has support of immediate neighborhood. Staff has been involved in the project since its inception, helping to acquire building for appellant through HUD property program. Recommend approval with proviso.

VOTED: In reference to Petition No. Z-3925, brought by Dorchester Children's Center, 17 Centre Avenue, Dorchester, for a conditional use and a variance for a change of occupancy from four-family dwelling to day care center and group home in a residential (R-.8) district, the Boston Redevelopment Authority recommends approval provided plans are submitted to the Authority for design review. Facility has support of immediate neighborhood. Authority has assisted in acquiring site for appellant through HUD property program.



J.L. CRONIN
PLAYGROUND

M.B.T.A. (COVERED UNDERGROUND)

CLEMENTINE

M.B.T.A. (UNDERGROUND)

SAMOSSET

ST. MARK'S
R.C. SCHOOL

CONVENT

ST. MARK'S
R.C. CHURCH

CENTRE

DORCHESTER

PATRICK O'HEARN
ELEMENTARY SCHOOL

213925
(DOR.)

Board of Appeal Referrals 8/18/77

Hearing: 8/23/77

Petition No. Z-3926
Lambert Rainbow Fruit
777 William T. Morrissey Boulevard,
Dorchester
near Victory Road

One-story frame structure - industrial (I-2) district.

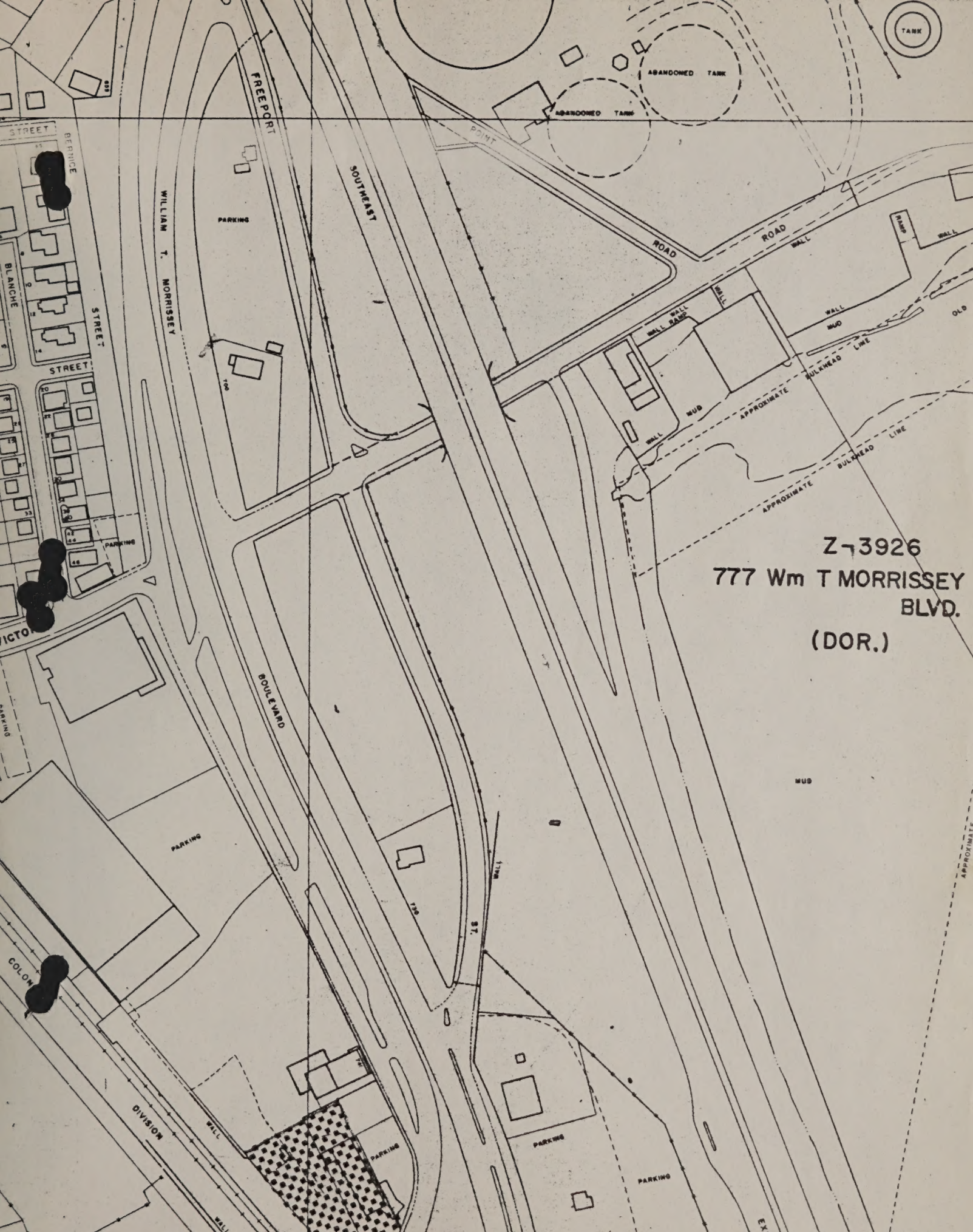
Purpose: to enclose existing loading dock.

Violation:

	<u>Required</u>	<u>Proposed</u>
Section 20-1. Rear yard is insufficient.	12 ft.	0

Retail fruit and vegetable structure is located within a commercial-shopping complex. Yard violation is technical and will have no adverse impact. Recommend approval.

VOTED: In reference to Petition No. Z-3926, brought by Lambert Rainbow Fruit, 777 William T. Morrissey Boulevard, Dorchester, for a variance to enclose existing loading dock in an industrial (I-2) district, the Boston Redevelopment Authority recommends approval. Yard violation is technical and will not have an adverse impact on this commercial-shopping complex.



Z-3926
777 Wm T MORRISSEY
BLVD.
(DOR.)